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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,967	03/23/2001	Garikapati D. Kiran Babu	316198004US	6484

25096 7590 08/17/2004

PERKINS COIE LLP  
PATENT-SEA  
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EXAMINER

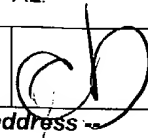
BHAT, NINA NMN

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/815,967	Applicant(s) KIRAN BABU ET AL.	
	Examiner N. Bhat	Art Unit 1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. Claims 1-9 are objected to because of the following informalities: Applicant has used in Claim 1 "such as" language and in claims 5 and 7 "preferably". A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 5 recites the broad recitation of a holding capacity, and the claim also recites 1/5<sup>th</sup> the holding capacity which is the narrower statement of the range/limitation. Appropriate correction is required. Applicant may prefer to draft a dependent claim to obviate the range within a range problem. Applicant is reminded this is a suggestion and not a rejection.

2. Also applicant is note and correct all discrepancies in the spelling of "distil" to --distill-- in the specification and in the claims.

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3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, applicant recites "receiver-cum-separator" which is indefinite applicant should recite clearly that the separator column or receiver-separator column. Applicant is requested to delete "cum" which is narrative and not required when drafting claims. In claim 5, 7, and 9 applicant has used improper Markush language. Proper Markush language is "selected from A, B, C or D" in the alternative it can be drafted as "selected from the group consisting of A, B, C and D". Applicant is suggested to use this language in drafting claims 5, 7 and 9. For example in claim 9, applicant could recite "...wherein the vessel, cohobation column, condenser and recycling pipes are made from metals selected from the group consisting of stainless steel, cooper and tin."

Claim 5, is vague, indefinite and does not read properly. It is not clear to the examiner what is meant by "very less to distil in a given capacity of distillation unit preferably at least one fifth of the holding capacity..." Suitable explanation and correction is required.

4. The following is an examiner's statement of reasons for allowance:

The invention relates to a portable mini-distillation apparatus for the production of essential oils and hydrosols which comprises on or more vessel(s) capable of being heated either internally/externally or both, the inside bottom of the vessel being provided with a threaded rod fixed concentrically to allow vertical movement of a sieved false bottom, one or more steam purger(s) being provided

between the vessel bottom and the moveable false bottom, the vessel being provided with lid(s) having one or more safety valve(s) the lids(s) being provided with parameter gauges include a pressure vacuum, temperature gauges and a vapor gauges, a vapor outlet (9) is connected to the inlet of one or more vertical cohobation columns(s), the outlets(s) of the cohobation column(s) being fixed to the inlet of a condenser provided with closeable vent, the outlet of the condenser being detachably connected by one or more connecting means to a vertical receiver-separator column having a valve at its lower end which controls an outlet; the bottom and middle of the receiver-separator column being provided with a plurality of valves which control the flow of fluids in one or more recycling means connected to the upper portion of the cohobation column(s) the mini-distillation apparatus for producing essential oils and hydrosols has not been taught either singularly or in combination by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mane et al. teach the preparation of cis-isoambrettolides and use as a fragrance. Kitamura et al. teach a solvent distillation apparatus for preparing highly pure anoxic dehydrated solvent. Kimel teach a distillation/reflux apparatus for refluxing and distilling small quantities of materials without the losses attendant to large

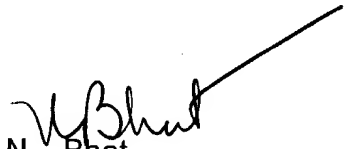
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apparatus. Jain et al. teach a process for the simultaneous product of artemisinin and essential oil from the artemisia plant. Quinn teaches an apparatus for performing a plurality of distillation and reflux simultaneously with in a compact/portable space.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Bhat whose telephone number is 571-272-1397. The examiner can normally be reached on Monday-Friday, 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
N. Bhat  
Primary Examiner  
Art Unit 1764